



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

Grant Agreement No. 51-06-CW-1501 Battlefield Acquisition Grant – Rappahannock Station Battlefield, Virginia

Upon signature of both parties below, the National Park Service (NPS) will have obligated with this Grant Agreement monies appropriated from the Land and Water Conservation Fund for the acquisition of Civil War Battlefield land in the amount of **\$250,000** by Public Law 109-54, making Department of the Interior appropriations for Fiscal Year 2006, respectively. The term of this grant agreement is:

Beginning Date: January 1, 2006

Ending Date: April 30, 2007

In accepting this grant, evidenced by signature below, Fauquier County, Virginia, agrees to comply with Department of the Interior regulations and requirements governing Federal grants stipulated in Office of Management and Budget (OMB) Circular A-102 (Administrative Requirements for Grants to State and Local Governments; see 43 CFR 12.42-12.92); Circular A-87 (Cost Principles for Grants to State and Local Governments); and Circular A-133 (Audits of States, Local Governments and Non-Profit Organizations). These requirements are hereby incorporated by reference into this grant agreement. In accordance with 18 U.S.C. 1913, none of these funds may be used for lobbying purposes as defined in the special conditions contained on the following pages. These special conditions are also hereby incorporated into this grant award. The terms and conditions of this grant award shall be extended to subrecipients and subcontractors.

In witness thereof, the parties have executed this grant agreement as of the date entered below:

FAUQUIER COUNTY

NATIONAL PARK SERVICE

County Administrator

Chief, Historic Preservation Grants Division

Date signed

Date signed

Attachments:

- ☒ Budget Changes/Special Grant Conditions
- ☒ Final Progress Report format for use later in the grant

APPLICATION AND BUDGET CHANGES/SPECIAL CONDITIONS

GRANT NUMBER:	BEGINNING DATE:	ENDING DATE:
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The terms of the grant award include the following special conditions necessary to obtain the objectives of the grant, facilitate administration of the grant, and to protect the interests of the Federal Government. Grantee noncompliance with these terms and conditions and the requirements of Office of Management and Budget (OMB) Circulars A-102 and A-87 will cause disallowance of costs incurred under the grant. In addition to other lawful remedies, in the event of noncompliance with any grant conditions, the grant may be suspended, terminated or annulled pursuant to OMB Circular A-102 (see 43 CFR 12.83-12.84).

The grantee shall not assign or otherwise transfer final responsibility for this Grant Agreement, the grant, or the project to any third party. The execution of subcontracts shall not alter or modify the obligations of the grantee. However, the grantee may subcontract for performance of project-related work summarized in this Grant Agreement. The grantee must administer this grant award free from conflict of interest, bribery, "kickbacks," cost-plus-a-percentage-of-costs contracts, and other procurement practices prohibited by 43 CFR 12.76.

Special Condition #1, Limitations on Grant Expenditures. The term of availability of these grant funds is from January 1, 2006, through April 30, 2007. All costs incurred must be billed to NPS by July 31, 2007. Expenses charged to this grant may not be incurred prior to the beginning date specified above, or subsequent to the grant end date specified above (unless the Grant Agreement's end date is formally extended in writing by NPS). Such expenditures may not exceed the maximum limits shown on this grant award, or amendments subsequently approved in writing by NPS. The grantee assumes fiscal liability, without recourse to NPS, for commitments that exceed the funds provided in the Grant Agreement.

Special Condition #2, Allowable Costs: All costs charged to the grant must be directly related to and necessary for the achievement of the approved objectives and budget of this grant, as specified in Grant Condition #15, below, unless an amendment is approved in writing by NPS. Expenses charged must be incurred only for eligible costs in accordance with OMB Circular A-102 and OMB Circular A-87; and supported by approved contracts, purchase orders, requisitions, bills, or other evidence of liability consistent with generally established purchasing procedures and generally accepted accounting principles.

Special Condition #3, Non-Federal Matching Share: At least \$250,000 in eligible non-Federal matching contributions that are allowable and properly documented in accordance with 43 CFR 12.64 must be used during the grant period to share the costs for this grant. Failure to use the required non-Federal matching share will result in the disallowance of costs reimbursed, and/or the de-obligation of remaining unexpended funds.

Special Condition #4, Fundraising Costs: In accordance with OMB Circular A-87, Attachment B, Item 21, costs of fundraising are not eligible costs chargeable to the grant for reimbursement or as eligible non-Federal matching share contributions.

Special Condition #5, Lobbying Prohibitions. Costs associated with activities or any form of communication designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation are unallowable as a charge to this grant. None of the funds awarded may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913 prohibiting lobbying with appropriated funds. In accordance with Public Law 108-447 (the Fiscal Year 2005 Appropriations Act for the Department of the Interior and Related Agencies), recipients shall not use any part of the appropriated funds for any activity or for the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete.

Special Condition #6, Performance Reports. An acceptable Final Progress Report must be submitted by July 31, 2007. Failure to submit an acceptable progress report by the date specified, and in the format prescribed by NPS, may result in suspension of funds or other action. The final report must include 35mm format slides or photographs of the acquired property.

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The grantee agrees to maintain close liaison with the NPS Grant Awarding Official throughout the grant period. NPS reserves the right to request meetings, upon reasonable notice, with grantee project staff at intervals during the course of project work. The grantee agrees to promptly notify the NPS Grant Awarding Official should any of the following conditions become known to it:

- a) Problems, delays, or adverse conditions that will materially affect the ability of the grantee (or its subcontractors, if any) to attain project objectives, prevent the project from meeting planned timetables, or preclude the completion of approved work;
- b) The need for adjustment (revision) to the project budget; and
- c) The lack of non-Federal matching share to meet the amount required by this Grant Agreement.

Special Condition #7, Prior Approval Requirements: The grantee may not, without written approval by the NPS grant awarding official (that official whose signature/title appears on the grant award document, or his designee), make changes in the approved scope of work or budget that would substantively alter the approved scope of work (43 CFR 12.70).

Special Condition #8, Debarment and Suspension: In accordance with Executive Order 12549 "Debarment and Suspension" the grantee and its subgrantees must not make any award or permit any award (by subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549.

Special Condition #9, Financial Audit: The grantee shall obtain an audit of grant expenditure records in accordance with OMB Circular A-133 which requires a Single Agency Audit for any grantee who expends at least \$500,000 of Federal grant funds (from all sources) in a fiscal year. Financial audits that include costs incurred for this grant (including nonfederal matching share) must be transmitted to the Federal Audit Clearinghouse, Data Preparation Division, U.S. Bureau of the Census, 1201 E. 10th Street, Jeffersonville, Indiana 47132. A reasonable proportion of the costs of an acceptable audit performed in accordance with OMB Circular A-133 may be charged to this grant.

If an audit is required, the grantee must complete and submit one signed copy of the Data Collection Form for Reporting on Audits of States, Local Governments, and Non-Profit Organizations, SF-SAC, to the National Park Service within 30 days of the grantee's receipt of the completed audit report. The form must be signed by the grantee and auditor state whether the audit was completed, provide information about the grantee, the results of the audit, the Employer Identification Number (EIN) and the Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS). A copy of the SF-SAC is acceptable.

Special Condition #10, Record Keeping: The grantee must maintain the property, personnel, financial, procurement and other records and accounts pertinent to the funds awarded by this grant in accordance with 43 CFR 12. The grantee and its contractors will permit on-site inspections by NPS representatives, and will effectively require employees and board members to furnish such information as, in the judgment of NPS representatives, may be relevant to a question of compliance with grant conditions and directives on the effectiveness, legality and achievements of project work.

Special Condition #11, Access to Records: The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of financial or programmatic audit and examination to any books, documents, papers, and records of the grantee that are pertinent to the grant at all reasonable times during the period of retention provided for in 43 CFR 12.

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Special Condition #12, Publicity and Press Releases: Press releases about this project must acknowledge the grant assistance provided by NPS and copies of the press releases must be provided to NPS. The grantee must transmit notice of any public ceremonies planned to publicize the project or its results in a timely enough manner so that NPS, Department of the Interior, Congressional or other Federal officials can attend if desired.

Special Condition #13, Publications: The grantee must include acknowledgment of NPS grant support and a nondiscrimination statement in all publications and videos assisted with grant monies and/or concerning NPS grant-supported activities. At least two copies of each publication and video concerning NPS grant-assisted activities, or published with NPS grant assistance, must be furnished to the NPS Grant Awarding Official within 30 calendar days of publication. All publications, including video and audio tapes, must contain the following disclaimer and acknowledgement of NPS support: "This material is based upon work assisted by a grant from the Department of the Interior, National Park Service. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of the Interior." All consultants hired by the grantee must be informed of this requirement. The National Park Service shall have a royalty-free right to republish any published material generated by this grant.

Special Condition #14, Method of Payment: An SF-270, *Request for Advance or Reimbursement*, must be faxed to the NPS Grant Awarding Official for approval of payment requests. After NPS has notified the grantee that the payment request is acceptable, the grantee can then transmit the payment request on the SMARTLINK payment system. Payment of grant funds will then be made by SMARTLINK electronic transfer of funds to a specified bank account of the grantee.

Special Condition #15, Approved Budget and Scope of Work: The approved Summary of Objectives and Results to be performed with this grant award is as follows:

Acquisition of 26 acres at Rappahannock Station Battlefield, Virginia. Grant funds may be sub-granted to the Civil War Preservation Trust for this acquisition.

The approved Work/Cost Budget is summarized as follows:

Land Acquisition	\$500,000
TOTAL GRANT (including non-Federal matching share)	\$500,000

Special Condition # 16, Project Sign: The grantee shall place a sign readable from each public right-of-way at the grant-assisted property. The sign must briefly identify the historical significance of the property and that it is being preserved with the help of a Federal grant from the Land and Water Conservation Fund, administered by the National Park Service. The sign must be erected within 60 calendar days of the acceptance of the contract of sale by the seller, and remain in place for at least 24 months. A photograph of the sign must be included with the Final Report submitted to NPS (see Grant Condition #6). The cost of fabricating and erecting this sign is an eligible cost for this grant.

Special Condition # 17, Public Access: The fundamental purpose of the Land and Water Conservation Fund is to assist in the acquisition and/or development of public outdoor recreation areas. Accordingly, grantees must provide for the appropriate public access to and enjoyment of any lands or interests in lands acquired with assistance from this program, subject to necessary and reasonable measures on the part of the grantee to protect the historic features of the battlefield from damage or loss.

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Special Condition # 18, Real Property Appraisal Requirements: Prior to the expenditure of grant funds for the purchase of real property, an acceptable appraisal prepared no more than 90 days prior to the signing of the contract to purchase the property must be obtained. A professional appraiser licensed and certified in accordance with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), as amended, in the State where the appraised property is located, must perform the appraisal. A copy of the appraisal must be submitted to NPS for review to support the proposed acquisition cost. Appraisal preparation, documentation and reporting must be made in conformance with the standards and practices of the 2000 edition of the *Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA)* and the *Uniform Standards of Professional Appraisal Practices (USPAP)* published by the Appraisal Foundation. (Note: The "before and after" method of appraisal, as described in the UASFLA, is mandatory.) The UASFLA can be obtained from the Department of Justice website at <http://www.usdoj.gov/enrd/land-ack/fwd>. The cost of the appraisal is an allowable cost for this grant.

Special Condition # 19, Prohibition against Conversion: The purpose of this grant is to acquire and preserve for future generations the historical sites and hallowed ground of America's battlefields. Accordingly, Section 6.f. of the Land and Water Conservation Act requires that the land acquired with this grant shall not be converted to other uses without the express written consent of the National Park Service, but must be preserved in perpetuity. These provisions shall be included in any conveyance documents of land or interests in lands acquired under this grant. The grantee agrees that a permanent record shall be kept in the relevant public property records and be available for public inspection to the effect that this property was acquired with Federal assistance, and that it shall not be converted to other than preservation uses without the written approval of the NPS. The grantee further agrees, therefore, that the appropriate remedy in the event of a breach by the grantee of this agreement shall be the specific performance of this agreement, and that the amount of the grant cannot be repaid to negate the requirements of this agreement.

Special Condition # 20, Preservation Easement: In order to provide permanent protection of the historical values inherent in the battlefield lands acquired with the assistance of this grant, the grantee or sub-grantee, whichever is purchaser of the lands, must execute a perpetual easement on the acquired lands. The terms and conditions of that easement are subject to the approval of the National Park Service. The easement must be sufficient to prevent the development of the acquired lands for any purpose other than preservation and interpretation of the historic battlefield and/or accommodation of the visiting public through appropriate visitor center facilities. The easement must also govern the siting and design of any structures, roadways, parking areas, or other facilities that may be necessary for these permitted purposes. The grantee shall convey the easement to the State Historic Preservation Officer, or to another government agency approved by the National Park Service. A copy of the easement must be recorded with the property deed among the public property records of the jurisdiction in which the battlefield is located. In cases where a State government agency will acquire and manage the property, the State must enter into a letter of agreement with the NPS, stating the State will preserve and maintain the property and its historic features for future generations. This letter will be recorded with the deed for the property and will run with the land in perpetuity.

Special Condition # 21, Required Project Documentation: Prior to the expenditure of any funds from this

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grant to acquire real property, and at least 60 calendar days prior to the proposed closing date of any property purchase, the grantee must submit the following documentation to the NPS Grant Awarding Official:

- (a) a proposed budget with applicable itemized costs (such as appraisal costs, land survey costs, and closing costs) for the total amount of the grant award (Federal plus the required nonfederal share);
- (b) a statement identifying the source(s) of nonfederal matching share to be contributed and its current availability;
- (c) an appraisal of the property to be purchased (this appraisal must comply with the requirements stipulated in Grant Condition #15, above);
- (d) a legal boundary description of the property being purchased;
- (e) a draft copy of the preservation easement that incorporates the provisions required by the NPS must be submitted for NPS review (any revisions subsequently transmitted by NPS to the grantee must be incorporated into the easement prior to the purchase of the property and prior to recording of the deed);
- (f) a copy of the contract to purchase the property;
- (g) A copy of the title insurance policy; and
- (h) At least two 4"x6" photographs of the property being purchased.